

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SEVEN NETWORKS, LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

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CIVIL ACTION NO. 2:17-CV-00442-JRG


ORDER

Before the Court is Plaintiff SEVEN Networks, LLC's ("SEVEN") Motion to Compel Google to Produce Outstanding Discovery (the "Motion"). (Dkt. No. 300.) The Court set a hearing on the Motion for October 4, 2018. (Dkt. No. 331.) Prior to the hearing, SEVEN withdrew part of its Motion, leaving intact its requests for (1) users profiles; (2) documents sufficient to show the average number of active hours an average or typical user spends on his or her mobile device per day; and (3) documents sufficient to show the effect of extended battery life with respect to the average number of active hours an average or typical user spends on his or her mobile device per day. (Dkt. No. 328.) At the October hearing, the parties informed the Court that they had reached a tentative agreement with respect to the Motion. In light of that agreement, the Court carried the Motion and ordered the parties to file a Joint Status Report within two weeks of the hearing, informing the Court of any unresolved issues. On October 22, 2018, the parties filed a Joint Status Report indicating that they were unable to resolve SEVEN's requests for information related to active user-data and battery-level data. (Dkt. No. 341.)

Consequently, the Court held a second hearing on November 6, 2018 regarding these unresolved issues.

Having considered the Motion, briefing, and oral arguments, the Court is of the opinion that the Motion should be and hereby is **GRANTED** as follows. It is **ORDERED** that Defendant Google, Inc. (“Google”) shall produce to SEVEN a spreadsheet of screen-on/off ratios for all non-Google accused devices as it did in its production to SEVEN for Google accused devices, as set forth in the parties’ Joint Status Report, (Dkt. No. 341.) It is further **ORDERED** that Google shall produce to SEVEN information from its existing databases sufficient to show (1) the percentage of users of accused (both Google and non-Google) devices whose battery life reaches 20% or less during a single 24-hour period, and (2) the percentage of users of accused (both Google and non-Google) devices whose battery life reaches 20% or less at least once during any seven-day period. Such production as ordered herein shall cover a time period from the most current of such information within Google’s databases to 36 months previous thereto, or to the earliest of such information within Google’s databases, whichever time period is shorter.

So ORDERED and SIGNED this 6th day of November, 2018.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE